THE HON'BLE MR JUSTICE L. NARASIMHA REDDY

Writ Petition Nos.19995 of 2005 & 15057 of 2006
COMMON JUDGMENT:

Dated 27-06-2007

Between:

Dr.G.Ranga Rao and others

…Petitioners

And

The Medical Council of India,
rep. by its Secretary, and others

…Respondents

THE HON'BLE MR JUSTICE L. NARASIMHA REDDY

Writ Petition Nos.19995 of 2005 & 15057 of 2006

COMMON JUDGMENT:

A common question arises for consideration in these two writ petitions. Hence, they are disposed of through a common judgment.

In W.P.No.19995 of 2005 petitioners 1 to 4 are Professors; petitioners 5 and 7 are Associate Professors, and rest are Assistant Professors of Dermatology, in various Government Medical Colleges in the State of Andhra Pradesh. The sole petitioner in W.P.No.15057 of 2006 is a Professor of Dermatology. All of them feel aggrieved by the P.G. Medical Education Regulations, 2000 issued by the Medical Council of India (for short 'the Council), in so far as it provides for a combined Post-graduate Degree course of Dermatology, Venereology and Leprosy (DVL) in the place of individual courses of M.D Dermatology, M.D. Venereology and M.D. Leprosy. They also question the validity of a communication dated 05-08-2005, issued by the Council, through which, it was recommended that the M.D (Dermatology), M.D. Venereology and M.D. (Leprosy), be treated on par with the combined speciality of M.D (DVL).

Petitioners contend that the combined course in DVL was being imparted in various Universities in the country, for the past several years, and having regard to the necessity to undertake a further specialized study in the respective branches, the Council had issued Regulations providing for independent courses in Dermatology, Sexually Transmitted Diseases and Leprosy. They submit that in a gazette notification published on 29-09-1993, a clear indication was given that the combined course in D.V.L. must be wound up, within five years from that date, and surprisingly, the Council reversed its decision in the year 2000.

The second limb of the grievance of the petitioners is that, even if the combined course had become inevitable, the specializations

ought to have been maintained, in the context of teaching, and there was absolutely no justification for the Council
in treating the qualifications in the respective specialized courses, as equivalent to the combined course.

The petitioners have made extensive reference to the literature on the subject, to drive home the point, that the emphasis now-a-days is upon undertaking study of the individual field of speciality, than on a combined course.

The Council filed a detailed counter-affidavit. The circumstances that led to the amendment of the Regulations, from time to time, in the context of the courses referred to above, are explained. It is stated that an Expert Committee, which was entrusted with the review of the existing courses and making recommendation for restructuring thereof, had undertaken extensive study, and ultimately recommended the introduction of a combined course in DVL, in the place of the individual specialized courses.

Some Professors, Associate Professors, Assistant Professors and Tutors, specialized in Sexually Transmitted Diseases, got themselves impleaded as respondents 5 to 34 in W.P.No.19995 of 2005. They have adopted the plea taken by the Council. In addition, they state that they filed W.P.No.3372 of 2005 in this Court with a prayer to declare that they are entitled to be reckoned as post-graduates in the combined courses in M.D.Dermatology, Venerology, Leprosy (DVL & DDVL) and to extend the consequential benefits to them; and that the communication dated 05-08-2005 came to be issued, in pursuance of the orders passed by this Court.

Sri K. Pratap Reddy, learned Senior Counsel, appearing for the petitioners in W.P.No.15057 of 2006 and Sri Ramesh, learned counsel for the petitioner in W.P.No.19995 of 2005 submit that a close scrutiny

of the recommendations made and notifications published, from time to time, discloses that the emphasis was upon introduction or continuance of separate courses for the study of Dermatology, Venereology and Leprosy, whereas a sudden change was brought about, in the year 2000, providing for only a combined course. They contend that renowned authors of books in the respective subjects expressed the view that study of individual courses would be more beneficial, when compared to study of combined courses. Learned counsel further submit that there was non-application of mind by the concerned authorities before the equivalence was recommended through the proceedings dated 05-08-2005.

Sri S. Niranjan Reddy, learned Standing Counsel for the Council and Sri Vedula Srinivas, learned counsel for respondents 5 to 34 in W.P.No.19995 of 2005, submit that though at one point of time, the Council felt it desirable to provide for study of post-graduate degree courses in individual specializations, it has been decided to have combined courses, based on the views expressed by the several institutions and the study undertaken by the Committee, appointed to review the structure of courses. It is also pleaded that petitioners cannot have any grievance, inasmuch as all of them have studied the respective courses, long back.

The Council is a statutory authority, conferred with the power to regulate the courses, in the field of the medicine. It has the power, not only as regards the establishment of institutions, imparting medical education, but also to prescribe the pattern of courses to be introduced therein. With the passage of time, more and more specializations came to be recognized and permitted, particularly at the post-graduate level.

In the notification published in the gazette, dated 29-09-1993, the pattern of post-graduate courses, which is relevant to the present context, reads as under:

> "LIST OF HIGHER COURSES IN MEDICAL SUBJECTS
>
> The specialities for which postgraduate courses may be conducted are divided into four groups.
>
> Group-A. General Medicine and General Surgery
>
> Group-B Specialities in which a Straight MD/MS can be taken:
>
> xxxx
>
> xxxx
>
> 11. Dermatology, Venereology and Leprosy
>
> *31. Dermatology
>
> *32. Sexually Transmitted Diseases
>
> *33.Leprosy
>
> xxxxx"
>
> Institutions where it may not be possible to start separate postgraduate medical courses in these subjects, the present system of joint course may continue for the transitional period of 5 years".

Through this, the Council gave a clear indication that the emphasis was on, phasing out the combined course of DVL and to start or continue the courses in three individual specializations. In the Regulations published in the year 2000, the Council, however, had come out with a totally different scheme in this regard. The combined course in DVL was included at item No.7 in the list of M.D courses and the separate courses in Dermatology STD and Leprosy were not provided for.

The arguments advanced on behalf of the petitioners based on the previous notifications and the current literature on the subject, cannot be brushed aside. In fact, they are relevant. However, when a

specialized agency appointed under a statute enacted by the Parliament had undertaken extensive study and made a specific recommendation, which in turn led to a decision by the Council, this Court cannot sit as an Appellate Authority. It is for the Specialised Agencies to evaluate the desirability or otherwise of, the study of the relevant courses. Howsoever the other viewpoint may be to a layman, the view expressed by the Specialised Agency can neither be substituted, nor found fault with. The petitioners have not pointed out any material procedural irregularities, in framing of the Regulation in question.

Another aspect that needs to be taken into account is that, it is only those, who intend to pursue the study in the course that are discontinued, that can make out a grievance about the change. All the petitioners have not only pursued the post-graduate courses, but are also on the teaching faculty. They cannot make out any genuine grievance as regards the restructuring of the courses. This much, however, can be said that, in case the petitioners are able to impress upon the concerned agencies about the necessity to continue the individual courses in the place of combined course, the same would certainly be a factor in moulding the decision, by the time fresh Regulations are framed and published. Since it is a continuing process, the Council can certainly take the different viewpoints into account, while framing Regulations, in future.

Coming to the validity of the proceedings, dated 05-08-2005, it needs to be noted that, with the permission being accorded for a combined course in DVL alone, through Regulations of the year 2000, restructuring of the departments in the Universities where the individual courses were being imparted, became necessary. The roles of the teaching faculty in the respective specializations had to be

redefined. It was in this context, that a substantial number of teachers at different levels in the concerned disciplines approached this Court by filing W.P.No.3372 of 2005, for a direction to the Council, to dispose of their representation. The writ petition was disposed of, with a direction to the Medical Council of India to take appropriate decision in the matter, duly taking into account the material having bearing on the subject. Acting on the directions of this Court, the Medical Council of India issued the said proceedings.

One of the grievances of the petitioner is that the proceedings are cryptic in nature, and they do not reflect the application of mind on the subject. It needs to be noted that a statutory body like the Council cannot be expected to write elaborate and reasoned order. Much of the consideration of the subject would be in the form of deliberations, that precede the decision. As long as the decision is clear, it cannot be found fault with, for not containing any reasons. The proceedings that emanate from such academic bodies cannot be compared to those that reflect the decision of administrative or *quasi judicial* authorities, dealing with the rights of individual citizens, or distribution of the public property. This Court does not find any legal infirmity in the said order. At any rate, the petitioners can make representations to the Medical Council of India, if according to them, any different view is possible.

The writ petitions are dismissed, upholding the orders challenged therein. It is however, left open to the petitioners to make representations to the Medical Council of India, pointing out their grievances. Such representations, if made, shall constitute the material for the decision of the Medical Council of India, on the subject, in the immediate future.

There shall be no order as to costs.

L. NARASIMHA REDDY, J.

Dt.27-06-2007.

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